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1872-73.

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1872-73. 1872-73. 1872-73. 1872-73. 1872-73. 1872-73. 1872-73. 1872-73. 1872-73. 1872-73.

To the Hon. H.S.K. Morison Judge
of the Circuit Court for Lee County

Humbly complaining your orator
O. C. Flanary, and your oratrices
Francis Maxwell ^{Wm} Little Flanary
and ~~Flanary~~ Flanary would respect-

fully represent unto your honor

that on the 20th day of January 1873
D.C. Flanary by the County Court
of Lee County, was appointed the
guardian of your complainants; that

on the 20th day of January 1873 in
pursuance to the order of said
court so appointing him guardian
he executed bond in the penalty
of \$200⁰⁰ with C. L. Hamblen
as his surety; that as guardian

of your complainants said D.C.
Flanary came into the posses-
sion of a large amount of their
money to wit \$112.00 on the
7th day of April 1873; that your
complainants are each and all
now over 21 years of age; that
their said guardian fails and re-
fuses to settle with and pay your
complainants the sum of money
due them, or any part thereof.

Your complainants allege and
aver that their said guardian has
never since his appointment made
a settlement of his guardianship

account before the Court of accounts, as they are advised by the laws of this State, was required to do; so it is impossible for your complainants to know at this time what would be due them, after giving them credit for all proper disbursements, if he has ever made any; therefore they are advised ^{& allege} as there will probably be credits ~~due~~ on his ^{said} account for costs &c in his guardianship, it is necessary that his said account with your complainants be referred to a Court of your honors Court, in Chancery.

Your complainants will again aver & allege that their said guardian is now probably insolvent, and that his said surety by law is responsible for his acts and the money that is due them. The said Hamblee surety as aforesaid is a non-resident of this State but he has effects therein.

The premises considered your Compts. are advised their only adequate remedy is in a Court of Chancery, their prayer therefore is, that S. C. Hamblee guardian of your said Compt's and C. L. Hamblee his surety be made parties defendants.

ants to this bill of Complaints; that
They each be required to answer
the same on oath; that an or-
der of publication be made a-
gainst the said Stambles, as the
law directs; that the Court of
accounts, or a special Court,
be appointed for the purpose, and
be directed to state and settle said
guardian accounts; and that
on the return of such state-
ment of such Court. Judgment be
rendered your Complaints for the
amount due there, And may all
other further and general relief
be granted your Complaints as
equity may require. May pro-
cess issue &c And They will
ever pray &c

Bromington & Gains.

Subled

P.V.S.
 Little Flanaregal

vs. } Bill in Chanc

D.C. Flanary et al

1892 1st March Rules Bill
 Filed 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th
 1st D.C. Christian
 " 2nd Mr. Rules order Pub
 " 1st 2nd Apr. " Court for 1st
 " 1st May " order Pub Court
 " 2nd May Rules order Pub Court
 Cause set for hearing
 by Plaintiff
 " 1st Dec 1892 Court
 " 1st Nov continued

1893 Mr. Deere final
 See O.D. 437
 July 15 00
 C 11 23 00
 D 1.00
 Pr. 5.00
 A 15.00 00
 Court 11.25 00
 C.C. 445.23

Littie Flanary et al Compls

vs

D.C. Flanary et al Defs

Inchamney

It being stated by plaintiffs
Counsel That Deft- had paid
~~for~~, the costs of an said suit,
and the sums of money due to them
this Court is ordered to be
striken from the docket.

Sittie Flanary et al Compts

vs.

In Chancery

N. C. Flanary et al vs Deft

This Cause came on again to be heard upon the papers formerly read therein and was argued by counsel. For reasons appearing to the Court it is adjudged, ordered and decreed that R. L. Pennington who is hereby appointed a special Commissioner for the purpose after advertising the time terms and place of sale for 30 days by notices posted at Dryden & Yorkville Station post offices, and at the front door of the Court house of this county, on some Court day and at the front door of the Court house at public outcry and to the best & highest bidder he will offer for sale the land of the defendant N. C. Flanary being the land where he now lives or so much thereof as may be necessary to pay the sum of money decreed to be paid to said plaintiffs by a decree entered in this cause on the 5th day of March, 1873 and the costs of this suit. He will make said sale on a credit of six and twelve months ^{time} except a sum sufficient to pay the costs of this suit and commissions of sale which he will require to be paid down. For the deferred payments he will take

bonds payable to himself with good personal security. But before undertaking to execute the terms of this decree he will execute bond before the clerk of this court in the sum of \$500⁰⁰ conditioned to faithfully discharge his duties as such commissioner. And this cause is continued ~~adjourned~~.

Littie January 1st

20 Dec

D.C. Thawman et al

Entered on O. 73

Page 442.

June 9, 1893

J. A. & Hyatt

Entered on

June 9th 1893

H. A. K. M.

Litch Flannery et al Compls
vs.
D. C. Flannery et al Defs } Dr Cham

This cause came on again
this day to be heard upon the papers
formerly read therein, and the re-
port of Special Comm. R. L. Penning-
ton of the guardianship account
of said D. C. Flannery, filed in this
cause on Sept. 2nd 1892; and it
appearing that said ~~and~~ report
has been filed for more than ten days
before the first day of this term of
the Court and is unexcepted to; it
is, therefore adjudged, ordered and
decided that the Complainants
recover of the Defendants the sum
of \$285.78 with legal interest there-
on from the 1st day of November 1892
till ^{paid} and the costs of this suit,
and that execution may issue out
for said sum of money & the costs
of this suit against said Defen-
dants, And this cause is continued

Lillie Flanary et al

vs Deener no 2

S. C. Flanary et al

Entered Chcy

O. B. page 437

March 8 1893

J. A. S. Hyatt

Enter this

March 8 1893

J. A. S. Hyatt

1 Lettie Flannery et al Comps'rs

2 vs.

3 S. C. Flannery guard et al Defs' }

In Chancery

4 This cause came on this day
5 to be heard upon the bill of the Comps'rs
6 and was argued by Counsel, and it ap-
7 pearing that process has been duly served
8 upon S. C. Flannery fifteen days before this
9 time of the Court and that order of pub-
10 lication has been made as the law re-
11 quires against C. L. Hamblin and they
12 failing to appear, said bill is taken
13 for confessed. On consideration
14 of all which and for reasons ap-
15 pearing to the Court, it is adjudged
16 ordered and decreed That R. L. Summington
17 who is hereby appointed a Comr for the purpose
18 after giving said S. C. Flannery 20
19 days ^{notice} will proceed to take, state and
20 settle the account of said S. C. Flannery
21 as guardian for said plaintiffs
22 charging him with what did, and
23 what ought to have gone into his
24 hands as such guardian and also
25 giving him credit for all proper
26 disbursements. And he will
27 report his actions to This Court.
28 And this cause is continued.

Little Flannery et al.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

DC. Flannery et al.

Entered in C. L. Book
p 402

From June 11/12
J. C. Synt
Clark

Enter this
June 9 1892

W. L. Clark

Little February 1892-

1892-

H. C. February 1892-

} in chamber -

In pursuance of a decretal order of the circuit court for the County of Lee, pronounced on the 9th day of June 1892, I the undersigned - a spec-
ial comm. after having the sheriff of said County to deliver to said H. C. February a note and an ex-
tract from said decree - on the 4th day of Aug. 1892 I proceeded to execute the commandment of said order -

After having investigated said guardianship account I found that he should be charged with the sum mentioned in statement "A. B.", which is filed and here made a part of this report. I did not allow said guardian any commission because he had never made a settlement with the commissioner of fiduciary accounts, nor ever settled with said wards -

As will be seen from said statement, "H. C." - and after having giving him credit for all

proper disbursements, and with
interest accrued down to Nov. 1, 1892
there will be in his hands on
that day - the sum of \$285.45 -
which sum should be equally divided
among the said three companies, all
of which is respectfully submitted -
This Sept-1st 1892 -

F. D. Pennington

Special Comr of said court

Letter February 1892 -
V.S. - } Commr's -
Ref. -
D.C. - February admr -

Filed Sept. 2, 1892
A. S. Hyatt
C

I hereby certify that
I, as Commr. in this
case, was engaged
15 hours at \$7.50 & \$11.25
R. A. Pennington

Little Flumary set in ap. with O.C. Flumary

Cr. Dr.

By cash recd for wards Apr. 7, 1873

51 00

" " " " " June 1st, 1873

50 00

" Int to Jan 1st 1874

4 00

104 00

To Balance due wards - Jan. 1, 74

115 00

By balance for cash Jan. 1, 1874

104 00

" Int on \$1 84 for 1874

6 24

" cash recd for wards, Jan. 1, 1875

125 00

122 74

To Balance due wards, Jan. 1, 1875

122 74

By balance for cash Jan. 1, 1875

122 74

" Int from Jan 1st 1875 to Jan. 1, 1876

178 99

301 73

To auct. paid ^{to} J. M. Morgan

45 00

" Balance due Jan 1, 1876

256 73

By balance for cash Jan. 1, 1876

256 73

" Int to Jan 1, 1877

15 40

" " " Nov 1, 1877

15 40

285 73

To Balance due ward Nov - 1, 1877

285 73

1/3 of \$285 = 95 - to Mrs. Francis Maxwell

95 24

1/3 " " " O.C. Flumary

95 24

" " " " Little Flumary

95 24

285 72

Little February at all Li
D.S.:- } Stokholm
 } by Commis
 } W.C. February

"A.B"

Amount of principal & interest Lees Credit. (Feb. 28 1893) \$228.23
 Cost 14.40
 Commission 13.93
 Bond 60
 \$259.76

KNOW ALL MEN BY THESE PRESENTS, That we *D. C. Flanary & Siles Flanary* are held and firmly bound unto *Leattie Flanary* in the just and full sum of *828* dollars *24* cents, the payment whereof, well and truly to be made to the said *Leattie Flanary* or *her* certain attorney, executors, administrators or assignees, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, and as to this debt, we hereby waive our homestead exemptions. Sealed with our seals, and dated this *29* day of *Apr* one thousand eight hundred and *93*

The Condition of the above Obligation is such, That whereas, *Leattie Flanary*

hath sued out of the clerk's office of the *circuit* court of Lee county, a writ of Fieri Facias against the goods and chattls of the above bound *D. C. Flanary* which writ with legal costs attending the same, amounts to the sum of *8340* dollars and *82* cents. And whereas, *L. M. Wade* Deputy for

D. C. Flanary high sheriff of Lee county, by virtue of said writ to the sheriff directed, hath taken the following property, belonging to the said

D. C. Flanary to satisfy the same, to wit: *1 Sarel mare 8 years old, 1 Bay Horse 4 years old 1 Bay mare 4 years old 1 Bay mare 8 years old 1 Brindle cow 6 years old 1 Brown cow 5 years old 1 Red Heifer 2 years old 1 Horse calf & 1 Red calf 1 year old*

And the said *D. C. Flanary* being desirous of keeping said property in possession until the day of sale thereof, has tendered the above bound *Siles Flanary*

as security for the forthcoming and delivery thereof on the day and at the place of sale. Now, if the above bound *D. C. Flanary & Siles Flanary* or either of them, do and shall deliver the aforesaid property to the sheriff or either of his deputies, at the court house in Jonesville, on the first day of the *June county* court next, that being the time and place appointed for the sale of the same; then the above obligation to be void, else to remain in full force and virtue.

Signed, sealed and delivered in the presence of

D. C. Flanary

(SEAL.)

Siles Flanary

(SEAL.)

(SEAL.)

Lettie Glenary

As 3 Band

D. C. Glenary

Filed May 1st 1893

J. A. Hyatt ©

Lettie Almay et al. vs. et.

v.s.

} In Chancery.

W. C. Almay, Guardian vs. et al. Defts.

Extract from Decree -

It is adjudged, ordered and decreed that P. D. Pennington who is hereby appointed a special Commissioner for the purpose, after giving W. C. Almay 20 days notice will proceed to take, state, and settle the account of W. C. Almay as guardian for said Plaintiffs charging him with what did or ought to have gone into his hands as such guardian and also giving him credit for all proper disbursements.

Commissioner's Office. Pennington 22nd Jan 22, '92

The parties interested in the decree of which the foregoing is an extract will take notice that the 1st day of August 1892 - at P. D. Pennington's law office in the town of Pennington's Gap - I shall proceed to execute the same - when and where they are required to attend, with such books, papers, vouchers, and evidence as will enable me to comply with the said order of the court.

P. D. Pennington
Special Commissioner for said Court.

Executed & duly
of 1892 by
delivering true copy
of within to D.C.
Flanary -

Little Flanary et al
vs } Court Notice

D.C. Flanary et al

on June 29th 1892
Executed by
Delivering ~~an~~
~~office copy~~
~~of the within notice~~
to D.C. Flanary
~~and giving him information of its purpose~~
W. C. the being
over the age of
sixteen years
and a member
of the family
of D.C. Flanary,
he not being
found at his
~~residence~~
place of abode
this June 29th /92
L. M. Wade Deputy
for D.C. Flanary
D. L. C.

In the Clerk's Office of the Circuit Court of the County of Lee on the 17th day of

February 1892

D. C. Flannery et al

Plaintiffs

against

for alimony

D. C. Flannery et al

Defendants

The object of this suit is to

the permanent account of D. C. Flannery Guardian for D. C. Flannery, Minor, and Francis Maxwell see *Settled* and *pay* *to* of the funds found in hands *over* to his said wards

And an affidavit having been made and filed that the defendant

he is

not a resident

of the State of Virginia,

ordered that

he do appear here within

thirteen days after due

publication hereof, and do what may be necessary to protect

his interest in this suit.

And it is further ordered that a copy hereof be published once a week for four weeks in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county.

A copy—Teste:

P. Q.

Flannery and Coins

L. A. E. Clerk.

D. C. Filanary, Adm
3 Arden Deck
vs 3

D. C. Filanary, Adm
4

I certify that I
delivered an office
copy of this order
to Lee County, Depu
for pub, and posted
a like copy thereof
at the Court house
down on the first
day of March 1872.
J. A. G. G. G.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

D. C. Flannery
~~Guardian for and~~ *W. L. Hamblin*
D. C. Flannery, Mary L. Flannery &
Francis Maxwell & W. L. Hamblin
Security on his official Bond
as such Guardians

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

D. C. Flannery
Mary L. Flannery and
Francis Maxwell nee
Flannery

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *17* day of *February* 18*92*, in the 11*th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

J. A. G. Hyatt

19th

The Commonwealth of Virginia

To The Sheriff of Lee County
P. C. Flannery

vs
Spain

D. C. Flannery

Do 1st March Rules 1892

Executed by

D. C. Flannery

Feb 25th 1892

L. M. Wade

Deputy T. C. E.

Flannery S. L. L.

A Copy Teste

COMMONWEALTH OF VIRGINIA
In the clerk's office of the circuit court of the
county of Lee on the 17th day of February 1892.
P. C. Flanary, et al, Plaintiffs, vs D. C. Flanary,
Kurd & Co. et al, Defendants.
In Chancery.

The object of this suit is to have the guardian ac-
count of D. C. Flanary, guardian for P. C. Flanary,
Mary L. Flanary and Francis Maxwell, nee Flanary
settled, and payments of the funds found in hands
over to his said words. And an affidavit having been
made and filed that the defendant C. L. Hamblen is
a non-resident of the State of Virginia, it is ordered
that he do appear here, within fifteen days after due
publication hereof, and do what may be necessary to
protect his interest in this suit. And it is further or-
dered that a copy hereof be published once a week
for four week's in some newspaper, and that a copy
be forthwith posted at the front door of the court
house of this county.

A copy—Teste:

J. A. G. Hyatt, Clerk.

Pennington and Goins, p. q.

Feb 24

Virginia, Lee Co. To-wit:

I Geo. C. Coleman, the editor
and publisher of the Lee Co. Re-
publican, a newspaper printed in
the town of Jonesville, county of Lee
Va. do here by certify that the fore-
going order of publication was
duly published in said newspa-
per for four successive weeks from
and after the 18th day of Feb. 1892.
ending Nov. 18, 1892
Geo. C. Coleman,
Editor Lee Co. Republican

Order Publication

D. C. Flanary Rltb

vs
D. C. Flanary, Ruch
& Co. Depts

Printed for \$5